## HOUSE BILL 464

## Introduced by Cromley

1/30	Introduced
1/30	Referred to Judiciary
1/30	First Reading
2/11	Hearing
2/11	Tabled in Committee

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l		Fouse	BILL NO.	464
2	INTRODUCED BY	Carley		

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ELECTION OF CITY AND MUNICIPAL JUDGES AT THE STATE GENERAL ELECTION; PROVIDING FOR AN EXTENSION OF A JUDGE'S TERM OF OFFICE UNTIL THE NEXT STATE GENERAL ELECTION; AMENDING SECTIONS 3-6-201, 7-3-4462, AND 13-1-104, MCA: AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

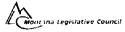
Section 1. Section 3-6-201, MCA, is amended to read:

\*3-6-201. Election -- term of office. (1) One judge of each municipal court shall must be elected at the state general city election. The judge's term shall--commence commences on the first Monday in January following the election. The judge shall hold office for the term of 4 years and until his successor is elected and qualified.

(2) All elections of municipal judges are governed by the laws applicable to the election of nonpartisan city officials."

**Section 2.** Section 7-3-4462, MCA, is amended to read:

\*7-3-4462. Office of city judge. (1) In each municipality having a commission-manager form of government, a city judge shall must be elected every 4 years in a



nonpartisan election held in conjunction with the regularly scheduled municipal state general election. The city judge 2 shall hold office for a term of 4 years and until his 3 successor is elected and qualified.

(2) The qualifications to hold the office of city judge shall must be set by ordinance by the commission. The ordinance shall must be consistent with any rules adopted by the Montana supreme court on city judge qualifications.

(3) If a vacancy occurs in the office of city judge, the commission shall appoint a qualified individual to serve for the remainder of the term."

Section 3. Section 13-1-104, MCA, is amended to read:

\*13-1-104. Times for holding general elections. (1) A 13 general election shall must be held throughout the state in 14 every even-numbered year on the first Tuesday after the 15 first Monday of November to vote on ballot issues required 16 by Article III, section 6, or Article XIV, section 8, of the 17 Montana constitution to be submitted by the legislature to 18 the electors at a general election, unless an earlier date 19 is provided in a law authorizing a special election on an 20 initiative or referendum pursuant to Article III, section 6, 21 and to elect federal officers, state or multicounty district 22 officers, members of the legislature, judges of the district 23 court, local judicial officers, and county officers when the

terms of such the offices will expire before the next

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scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

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- (2) A general election shall must be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers other than judges, officers of political subdivisions wholly within one county and not required to hold annual elections, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.
- (3) The general election for any political subdivision, other than a municipality, required to hold elections annually shall must be held on school election day, the first Tuesday of April of each year, and is subject to the election procedures provided for in 13-1-401.
- (4) The general election for a municipality required to hold elections annually may be held either on school election day as provided in subsection (3) or on the first Tuesday after the first Monday in November, at the discretion of the governing body."
- NEW SECTION. Section 4. Transition. A municipal or city judge shall hold office until a successor is elected at

- 1 the state general election in the even-numbered year
- following the time when the judge's term would have expired.
- NEW SECTION. Section 5. Effective date. [This act] is
- 4 effective on passage and approval.

-End-